

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**CENTER FOR ENVIRONMENTAL  
HEALTH**

2201 Broadway, Suite 508  
Oakland, CA 94612

*Plaintiff,*

v.

**ENTEGRIS, INC.**

129 Concord Road  
Billerica, MA 01821

*Defendant.*

Case No.

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

**COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

**Introductory Statement**

1. This is a citizen enforcement suit brought by the Center for Environment Health (“CEH”) to redress and prevent ongoing violations of reporting requirements for chemical substances under the Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629 (“TSCA”).

2. CEH is a non-profit organization striving to protect children and families from harmful chemicals in air, food, water, and everyday products. CEH protects people from toxic chemicals by working with communities, businesses, and the government to demand and support

business practices that are safe for human health and the environment. CEH is headquartered in Oakland, California.

3. Defendant Entegris, Inc. (“Entegris”) is a manufacturer and importer of chemicals subject to reporting obligations under TSCA. Entegris is headquartered in Billerica, Massachusetts.

4. CEH files this complaint under TSCA’s citizen suit provision, section 20(a), 15 U.S.C. § 2619(a), seeking declaratory and injunctive relief to remedy Entegris’ TSCA violations and recovery of CEH’s reasonable fees and costs.

5. Entegris has violated, and continues to violate, the Chemical Data Reporting (“CDR”) rule promulgated by the Environmental Protection Agency (“EPA”) under section 8(a) of TSCA by failing to report imports of chemicals subject to the rule in amounts exceeding 25,000 pounds per year between 2016 and 2019. The chemicals to which these violations relate include but not limited to cobalt sulfate and phosphoric acid. These chemicals were imported between 2016 and 2019 but were not reported by Entegris by the January 29, 2021 reporting deadline as required by the CDR rule.

6. Entegris’ failure to report these imports undermines EPA’s efforts under TSCA to evaluate and address chemical risks. It also prevents the public from tracking the movement of unsafe chemicals in commerce as well as monitoring their presence in communities.

7. In February 2024, CEH served Entegris with a presuit notice of violation that identified Entegris’ failure to comply with the CDR rule. Over the course of the next seven months, CEH engaged in extensive correspondence with Entegris’ counsel regarding the violations set forth in this complaint. However, Entegris has not remedied its

noncompliance for cobalt sulfate, phosphoric acid and potentially other substances. Absent an order from this Court restraining Entegris' CDR rule violations, Entegris will continue to be in violation of TSCA.

### **TSCA Citizens Suit Provision**

8. Under section 20(a)(1)(B) of TSCA, “any person may commence a civil action . . . against any person . . . who is alleged to be in violation of this Act . . . to restrain such violation.” 15 U.S.C. § 2619(a).

9. Section 20(b)(1)(A) provides that no action to restrain a violation of TSCA may be commenced “before the expiration of 60 days after the plaintiff has given notice of such violation (i) to the Administrator and (ii) to the person who is alleged to have committed such violation.” 15 U.S.C. § 2619(b).

10. Civil actions under section 20(a)(1)(B) of TSCA “shall be brought in the United States District Court for the district in which the alleged violation occurred or in which the defendant resides or in which the defendant’s principal place of business is located . . . without regard to the amount in controversy or the citizenship of the parties.” 15 U.S.C. § 2619(a)(2).

12. Under section 20(c)(2), the court in an action to restrain a violation under section 20(a)(1) “may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate.” 15 U.S.C. § 2619(c)(2).

### **TSCA Provisions**

13. TSCA was enacted in 1976 to create a national program for assessing and managing the risks of chemicals to human health and the environment. Among the goals stated in TSCA section 2(b), 15 U.S.C. § 2601(b), are that: (1) “adequate information should

be developed with respect to the effect of chemical substances and mixtures on health and the environment” and (2) “adequate authority should exist to regulate chemical substances and mixtures which present an unreasonable risk of injury to health or the environment.”

14. The need for this comprehensive framework for managing chemical risks was described as follows in the Senate Report on the original law:

As the industry has grown, we have become literally surrounded by a man-made chemical environment. We utilize chemicals in a majority of our daily activities. We continually wear, wash with, inhale, and ingest a multitude of chemical substances. Many of these chemicals are essential to protect, prolong, and enhance our lives. Yet, too frequently, we have discovered that certain of these chemicals present lethal health and environmental dangers.

Senate Rept. No. 94-698, 94th Cong. 2d Sess. (1976) at 3.

15. After a multi-year effort to overhaul and strengthen its key provisions, TSCA was amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (“LCSEA”), which took effect on June 11, 2016. These TSCA amendments enhance the chemical regulatory authorities in section 6 by establishing a new integrated process for (1) prioritizing chemicals, (2) conducting risk evaluations on high- priority chemicals and (3) promulgating rules under section 6(a) to eliminate unreasonable risks identified in risk evaluations. Congress set strict deadlines for each of these steps and directed EPA to address a minimum number of chemicals by these deadlines. It also removed the impediments to effective regulation by eliminating any consideration of costs and other non-risk factors in determining whether chemicals present an unreasonable risk of injury and directing EPA to impose requirements “necessary so that the chemical no longer presents such [unreasonable] risk.”

#### **Chemical Data Reporting Requirements Under TSCA**

16. TSCA section 8(a)(1) provides that EPA “shall promulgate rules” that require each person who manufactures or processes a chemical substance to submit such reports as the

“Administrator may reasonably require.” 15 U.S. C. § 2607(a). Because section 3(9) defines “manufacture” to include “importation,” reports must be submitted by importers of chemical substances subject to these rules. The rulemaking authority under section 8 is a critical tool to collect the information on chemical use and exposure necessary for informed and effective risk evaluation and risk management.

17. In 2011, EPA promulgated the Chemical Data Reporting (“CDR”) rule using its authority under TSCA section 8(a)(1). 40 C.F.R. Part 711. The rule is intended to support EPA’s risk assessment and reduction efforts by providing basic information about the manufacturing, use and exposure profiles of chemicals in commerce. As the Agency explained in 2011, the new reporting requirements:

will enhance the capabilities of the Agency to ensure risk management actions are taken on chemical substances which may pose the greatest concern. More in-depth reporting of the processing and use data, more careful consideration of the need for confidentiality claims, and adjustments to the specific data elements are important aspects of this action. By enhancing the data supplied to the Agency, EPA expects to more effectively and expeditiously identify and address potential risks posed by chemical substances and provide improved access and information to the public.

*TSCA Inventory Update Reporting Modifications; Chemical Data Reporting*, 76 Fed. Reg. 50816-0176, 50819 (August 16, 2011).

18. Under the rule, reporting is required for all chemicals manufactured or imported at a site in volumes of 25,000 pounds or more per facility in a given reporting year. For chemicals already regulated under certain TSCA provisions, the reporting threshold is set at 2,500 pounds per reporting year. Manufacturers and importers subject to the CDR must report every four years. The most recent reporting cycle was completed in early 2021, with reports due on January 29, 2021. For this CDR update, activities conducted in calendar years 2016-2019 determined the application of reporting requirements and the information to be reported.

19. Under the CDR rule, reports must be submitted using a “Form U.” Separate forms

must be filed for each manufacture or import site. The Form U must include import/manufacture volume for each of the last four years, the number of workers exposed and basic information about site operations. It must also include information about industrial, commercial and consumer uses of the substance at other sites and the potential for exposure associated with these downstream activities.

20. In expanding the scope of reporting to capture these data elements, EPA emphasized that this “exposure information is an essential part of developing risk evaluations and, based on its experience in using this information, the Agency believes that collecting this exposure information is critical to its mission of characterizing exposure, identifying potential risks, and noting uncertainties for [reportable] chemical substances.” *TSCA Inventory Update Reporting Modifications; Chemical Data Reporting*, 76 Fed. Reg. 50816-01, 50823 (August 16, 2011).

21. Section 15 of TSCA provides that it is unlawful for any person to

(1) fail or refuse to comply with any requirement of this subchapter or any rule promulgated . . . under this title; or . . . (3) fail or refuse to . . . submit reports, notices, or other information; . . . as required by this Act or a rule thereunder

15 U.S.C. § 2614.

22. A failure or refusal to comply with the CDR rule constitutes a “fail[ure] or refus[al] to . . . submit reports . . . as required by this Act or a rule thereunder” and thus is an unlawful act under section 15. 15 U.S.C. § 2614. Non-compliance with the CDR rule therefore constitutes a “violation of this Act” subject to a citizens’ suit under section 20(a)(1) of TSCA. 15 U.S.C. § 2647(d).

### **Jurisdiction and Venue**

23. CDR reports must be reported through EPA’s Central Data Exchange (CDX), an electronic site used for submission of reports to the Agency which is maintained at EPA

headquarters at 1200 Pennsylvania Avenue NW in Washington, D.C.

24. CDR reports are reviewed and analyzed by EPA's Office of Chemical Safety and Pollution Prevention, which is located at EPA headquarters.

25. Entegris' violations of the CDR rule accordingly occurred in the District of Columbia.

26. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 2619(a), under which citizens' suits to restrain violations of TSCA "shall be brought in the United States District Court for the district in which the alleged violation occurred."

27. Venue is proper in the District of Columbia under 28 U.S.C. § 1391(b)(2) and 15 U.S.C. § 2619(a), which provides that the district courts "shall have jurisdiction over suits brought under this section, without regard . . . to the citizenship of the parties" and "process may be served on the defendant in any judicial district in which the defendant resides or may be found."

#### **CEH's Notice of Intent to Sue**

28. On February 23, 2024, CEH sent by registered mail a notice of intent to sue under TSCA section 20(b)(1) to Entegris and EPA Acting Administrator Michael S. Regan.

29. The presuit notice provided sufficient information for Entegris to identify: (1) the specific provision of TSCA or of the rule or order under TSCA alleged to have been violated; (2) the activity alleged to constitute a violation; (3) the persons responsible for the alleged violation; (4) the location of the alleged violation; (5) the date or dates of the alleged violation as closely as the citizen is able to specify them; and (6) the full name, address, and telephone number of the citizen giving notice. *See* 40 C.F.R. § 702.62(b). The notice informed Entegris that CEH's investigation was ongoing and that it was likely that Entegris had failed to report numerous substances in

violation of the CDR rule.

30. According to the signed receipts returned to CEH, Entegris received its notice on February 29, 2024, and EPA received its notice on March 4, 2024.

31. For the next seven months, the parties discussed CEH's allegations. Although Entegris provided satisfactory explanations that some of the imports CEH identified had been duly reported to EPA, Entegris failed to demonstrate that its imports of cobalt sulfate and phosphoric acid had been properly reported.

32. Entegris has not remedied the CDR violations alleged in this complaint.

33. EPA has not commenced an action under TSCA to require Entegris to comply with CDR requirements under TSCA section 20(b)(1)(B).

**Entegris' Imports of Cobalt Sulfate and Phosphoric Acid During the 2016-2019  
CDR Reporting Period**

34. During the 2020 Reporting Period, Entegris received at least one shipment of cobalt sulfate in 2019 totaling 48,744 pounds.

35. No Form U for the cobalt sulfate shipment was identified in EPA's CDR database for the 2020 reporting cycle.

36. During the 2020 Reporting Period, Entegris received at least 17 shipments of phosphoric acid totaling 391,631 pounds. In 2018, Entegris received phosphoric acid imports totaling 180,342 pounds. In 2019, Entegris received phosphoric acid imports totaling 230,368 pounds.

37. No Form Us for the phosphoric acid shipments were identified in EPA's CDR database for the 2020 reporting cycle.

**Imports Under the CDR Rule**

38. State and federal agencies charged with protecting public health need complete



and accurate information about the total amount of toxic substances produced and imported in the United States and how and where toxic substances are distributed and used.

39. CDR reporting is an essential tool for tracking the production and use of toxic substances and Entegris' failure to report large chemical imports under the CDR rule weakens the ability of EPA and local communities to evaluate and protect against serious threats to health.

### **Claim for Relief**

40. CEH hereby incorporates by reference the allegations above as if fully set forth herein.

41. Section 20(a)(1)(B) of TSCA authorizes any person to file suit in a United States district court against any person alleged be in violation of the Act to restrain such violation. 15 U.S.C. § 2619(a)(1).

42. CEH provided notice to Entegris and the EPA Administrator more than 60 days before filing this action, as required by TSCA section 20(b)(1). 15 U.S.C. § 2619(b).

43. Entegris imported 48,744 pounds of cobalt sulfate and 410,710 pounds of phosphoric acid during 2016-2019 period for which it did not report.

44. Entegris' cobalt sulfate and phosphoric acid imports each exceeded the 25,000-pound threshold for CDR reporting and are therefore reportable under the CDR rule.

45. As the importer of these substances, Entegris was and remains in violation of the CDR reporting requirements under 40 C.F.R. § 711.8.

46. These violations comprise "prohibited acts" under TSCA section 15 and represent "violations of this Act" for purposes of citizens' suits section 20(a)(1)(B).

47. The Court should order Entegris to report its imports of the two unreported

substances to EPA in compliance with the CDR rule and restrain Entegris from any other ongoing violations of CDR reporting requirements.

**Request for Relief**

WHEREFORE, CEH respectfully requests judgment in its favor and against Entegris upon its claims and, further, requests that this Honorable Court enter judgment against Entegris:

- (1) Declaring that Entegris' failure to report cobalt sulfate and phosphoric acid imports during the 2016-2019 reporting period to EPA is a violation of the CDR reporting requirements at 40 C.F.R. Part 711, a "prohibited act" under section 15 of TSCA and a "violation of this Act" actionable in a citizen's suit under section 20(a)(1)(B) of TSCA. 15 U.S.C. §§ 2614 and 2619(a);
- (2) Declaring that CEH has met the notice requirements and other prerequisites for relief under TSCA section 20. 15 U.S.C. § 2619(b);
- (3) Ordering Entegris to file Form Us with EPA for its imports of these two substances in compliance with CDR reporting requirements at 40 CFR Part 711. 15 U.S.C. § 2616(1);
- (4) Ordering Entegris to audit its manufacturing and import activities to identify any other ongoing violations of CDR reporting requirements and remedy such violations of CDR reporting requirements pursuant to TSCA section 20. 15 U.S.C. § 2616(1);
- (5) Awarding CEH its costs of suit and reasonable fees for attorneys, and expert witnesses in this action pursuant to 15 U.S.C. § 2619(c)(2); and
- (6) Granting CEH such further and additional relief as the Court may deem

just and proper.

Respectfully submitted this 30th day of October 2024.

/s/ Robert M. Sussman

Robert M. Sussman (DC BAR NO 226746)

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[*pro hac vice pending*]

*Attorneys for Plaintiff Center for Environmental Health*

**CIVIL COVER SHEET**

JS-44 (Rev. 11/2020 DC)

<p><b>I. (a) PLAINTIFFS</b>                  CENTER FOR ENVIRONMENTAL HEALTH</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____                  (EXCEPT IN U.S. PLAINTIFF CASES)</p>	<p><b>DEFENDANTS</b>                  ENTEGRIS, INC.</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>88888</u>                  (IN U.S. PLAINTIFF CASES ONLY)  <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>																								
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)                  Robert M. Sussman (DC BAR NO 226746)                  SUSSMAN &amp; ASSOCIATES                  3101 Garfield Street, NW, Washington, D.C. 20008                  (202) 716-0118</p>	<p>ATTORNEYS (IF KNOWN)</p>																								
<p><b>II. BASIS OF JURISDICTION</b>                  (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff      <input checked="" type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 2 U.S. Government Defendant      <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b></p> <table style="width:100%; border: none;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> <b>A. Antitrust</b></p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> <b>B. Personal Injury/Malpractice</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> <b>C. Administrative Agency Review</b></p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b></p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
<p><input checked="" type="radio"/> <b>E. General Civil (Other)</b>      <b>OR</b>      <input type="radio"/> <b>F. Pro Se General Civil</b></p>			
<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease &amp; Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus &amp; Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)</p>	<p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks &amp; Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 462 Naturalization Application</p>	<p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced &amp; Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA)</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>

<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input type="radio"/> <b>I. FOIA/Privacy Act</b>  <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="radio"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi-district Litigation  
  7 Appeal to District Judge from Mag. Judge  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 Toxic Substances Control Act, 15 U.S.C. §§ 2601-2629, violations of the Chemical Data Reporting (CDR Rule)

<b>VII. REQUESTED IN COMPLAINT</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> <b>JURY DEMAND:</b>	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If yes, please complete related case form
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DATE: 10/30/2024	SIGNATURE OF ATTORNEY OF RECORD /s/ Robert Sussman
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of a action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

CENTER FOR ENVIRONMENTAL HEALTH

Plaintiff(s)

v.

ENTEGRIS, INC.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ENTEGRIS, INC.
129 Concord Road
Billerica, MA 01821

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: ROBERT M. SUSSMAN
SUSSMAN & ASSOCIATES
3101 GARFIELD STREET, NW
WASHINGTON, D.C. 20008

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: